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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/822,071	04/08/2004	Kiyoshi Aida	450100-03204.1	2069
7590 06/12/2007 FROMMER LAWRENCE & HAUG LLP 745 FIFTH AVENUE NEW YORK, NY 10151			EXAMINER HWANG, JOON H	
			ART UNIT	PAPER NUMBER
			2166	
			MAIL DATE	DELIVERY MODE
			06/12/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/822,071	<b>Applicant(s)</b> AIDA ET AL.	
	<b>Examiner</b> Joon H. Hwang	<b>Art Unit</b> 2166	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 April 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 20-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 20-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. The applicants amended claims 20, 24, and 28 in the amendment filed on 4/12/07.

The pending claims are 20-31.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 20, 24, and 28 have been considered but are moot in view of the new ground(s) of rejection.

The applicants added in claim 20 the limitations of "a user selects a location of another database having said updatable content searchable by said key data, said another database being different from said database", and in claims 24 and 28, the limitations of "selecting a location of another database having said updatable content searchable by said key data, said another database being different from said database". These limitations are addressed in the following rejection.

### ***Claim Rejections - 35 USC § 103***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 20-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yankowski (U.S. Patent No. 5,751,672) in view of Levy et al. (U.S. Patent No. 6,505,160).

With respect to claim 20, Yankowski teaches a database (i.e., a local database 36 in fig. 2) having updatable content containing information relating to a media (i.e., downloading contents updates, lines 18-23 in col. 2 and lines 4-13 in col. 9), searchable by key data generated as a function of information stored at a predetermined place of said media (i.e., fingerprint, lines 37-63 in col. 5 and lines 25-44 in col. 6), said content including an address of a server relating to the media (i.e., a remote database is accessed via Internet, fig. 2, fig. 7, lines 25-67 in col. 2, line 9 in col. 8 thru line 36 in col. 9, and line 44 in col. 11 thru line 57 in col. 12). Yankowski teaches a database can include more detailed information, such as composer, producer, as well as any other information, which might be of value to a user (lines 35-51 in col. 7). Yankowski teaches the database is maintained by commercial ventures or other sources (lines 4-51 in col. 7). Yankowski teaches means for obtaining from the server, through the Internet, information relating to the media (i.e., obtaining information relating to the media from the remote database, lines 4-51 in col. 7). Yankowski teaches means for updating the content of the database at any time through the Internet (i.e., downloading contents updates, lines 18-23 in col. 2 and lines 4-13 in col. 9). Yankowski teaches a user selects a location of another database (i.e., a user selects a remote database 50 in fig. 2, item 139 in fig. 4A, items 144 and 150 in fig. 4B, and lines 60-65 in col. 8) having said updatable content searchable by said key data, said another database being different from said database included in said information acquiring apparatus (lines 4-16 in col. 7). Yankowski does not explicitly disclose an address of a website relating to the media. However, Levy teaches an address of a website relating to the media, the

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website address being different than the server address (lines 38-61 in col. 2, lines 40-61 in col. 4, lines 51-61 in col. 5, lines 43-59 in col. 6, and lines 39-63 in col. 7). Levy teaches means for accessing, through the Internet, the website at the address of the website obtained from the server (lines 38-61 in col. 2, lines 40-61 in col. 4, lines 51-61 in col. 5, lines 43-59 in col. 6, and lines 39-63 in col. 7). Levy also teaches means for updating the content of the database at any time through the Internet by connecting the database to the address of the website (i.e., pull model updates, lines 23-49 in col. 11). Therefore, based on Yankowski in view of Levy, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the teaching of Levy to the system of Yankowski in order to provide an additional opportunity to promote services or goods related to the media to a user.

With respect to claim 21, Yankowski teaches means for inquiring a user, before obtaining more detailed information, whether an access to a server is acceptable (lines 26-65 in col. 8).

With respect to claim 22, Yankowski teaches generating the key data (fingerprint) by calculating a portion of index data (TOC) of the media in a predetermined manner (lines 55-60 in col. 1, lines 34-37 in col. 2, lines 37-63 in col. 5, and lines 25-44 in col. 6).

With respect to claim 23, Levy further teaches the website provides a service so that a user can directly purchase another media or good relating to the media via the website (lines 38-61 in col. 2, lines 40-61 in col. 4, lines 51-61 in col. 5, lines 43-59 in

col. 6, and lines 39-63 in col. 7). Therefore, the limitations of claim 23 are rejected in the analysis of claim 20 above, and the claim is rejected on that basis.

Claims 24-27 are essentially the same as claims 20-23 except that it sets forth the claimed invention as a method rather than an apparatus and rejected for the same reasons as applied hereinabove.

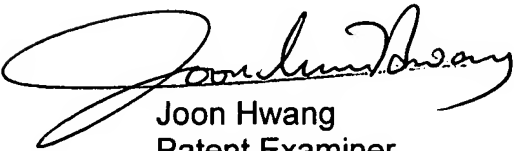
Claims 28-31 are essentially the same as claims 20-23 except that it sets forth the claimed invention as a program rather than an apparatus and rejected for the same reasons as applied hereinabove.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joon H. Hwang whose telephone number is 571-272-4036. The examiner can normally be reached on 9:30-6:00(M~F).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Joon Hwang  
Patent Examiner  
Technology Center 2100

6/8/2007